

HOUSE BILL 1050

C2, L6, P3

EMERGENCY BILL

11r2048

By: **Delegates Beidle, Barnes, Braveboy, Clagett, Frush, Hogan, Holmes,
Norman, O'Donnell, and Otto**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Construction Permits – Expiration Dates**

3 FOR the purpose of requiring the running of the period of approval for certain permits
4 issued by the State to be tolled for a certain period; requiring the running of the
5 period of approval for certain permits issued by a county or a municipality to be
6 tolled for a certain period; requiring a certain person who was issued a certain
7 permit by the State, a county, or a municipality that will expire during a certain
8 time period to pay any applicable renewal or permit extension fees; authorizing
9 the State, a county, or a municipality to cancel a certain permit under certain
10 circumstances; making certain conforming changes; defining certain terms;
11 providing for the application and construction of this Act; making this Act an
12 emergency measure; providing for the termination of this Act; and generally
13 relating to the expiration of construction and development permits.

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 11–103(a)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 BY adding to
20 Article – State Government
21 Section 11–201 to be under the new subtitle “Subtitle 2. Permit Extensions”
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2010 Supplement)

24 BY adding to
25 Article 24 – Political Subdivisions – Miscellaneous Provisions
26 Section 23–101 to be under the new title “Title 23. Construction and
27 Development Permits”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – State Government**

6 11–103.

7 (a) **EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, THIS**
8 **TITLE:**

9 (1) [This title] applies only to a development project and only through
10 the completion of a final action under § 11–520 of this title[.]; AND

11 (2) [This title] does not apply to an application for a renewal,
12 amendment, or extension of a development permit.

13 **SUBTITLE 2. PERMIT EXTENSIONS.**

14 **11–201.**

15 (A) **IN THIS SUBTITLE, “PERMIT” INCLUDES A DEVELOPMENT PERMIT,**
16 **AS DEFINED UNDER § 11–101(D) OF THIS TITLE.**

17 (B) **THIS SUBTITLE APPLIES TO A PERMIT ISSUED BY THE STATE FOR**
18 **PROPOSED CONSTRUCTION OR DEVELOPMENT.**

19 (C) **THIS SUBTITLE DOES NOT APPLY TO:**

20 (1) **ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES**
21 **GOVERNMENT OR ANY FEDERAL AGENCY;**

22 (2) **ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED**
23 **STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;**

24 (3) **ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL**
25 **AGENCY AND A COUNTY OR A MUNICIPALITY;**

26 (4) **ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE**
27 **ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT;**
28 **OR**

29 (5) **ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER THE**
30 **FOLLOWING PROVISIONS OF THE ENVIRONMENT ARTICLE:**

1 (I) TITLE 4, SUBTITLE 1 OR SUBTITLE 2;

2 (II) TITLE 5, SUBTITLE 5; OR

3 (III) TITLE 9.

4 (D) THE RUNNING OF THE PERIOD OF APPROVAL FOR ANY PERMIT
5 ISSUED BY THE STATE SHALL:

6 (1) BE TOLLED BEGINNING ON JANUARY 1, 2008, AND ENDING ON
7 DECEMBER 31, 2012; AND

8 (2) BEGIN AGAIN ON JANUARY 1, 2013.

9 (E) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A PERSON
10 THAT WAS ISSUED A PERMIT BY THE STATE THAT WOULD HAVE EXPIRED
11 DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON
12 DECEMBER 31, 2012, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL OR
13 PERMIT EXTENSION FEES.

14 Article 24 – Political Subdivisions – Miscellaneous Provisions

15 TITLE 23. CONSTRUCTION AND DEVELOPMENT PERMITS.

16 23-101.

17 (A) IN THIS TITLE, “PERMIT” INCLUDES A DEVELOPMENT PERMIT, AS
18 DEFINED UNDER § 11-101(D) OF THE STATE GOVERNMENT ARTICLE.

19 (B) THIS TITLE APPLIES TO A PERMIT ISSUED BY A COUNTY OR
20 MUNICIPALITY FOR PROPOSED CONSTRUCTION OR DEVELOPMENT.

21 (C) THIS TITLE DOES NOT APPLY TO:

22 (1) ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES
23 GOVERNMENT OR ANY FEDERAL AGENCY;

24 (2) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED
25 STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;

26 (3) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL
27 AGENCY AND A COUNTY OR A MUNICIPALITY;

1 **(4) ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE**
2 **ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT;**
3 **OR**

4 **(5) ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER TITLE 4,**
5 **SUBTITLE 1 OR SUBTITLE 2 OF THE ENVIRONMENT ARTICLE.**

6 **(D) THE RUNNING OF THE PERIOD OF APPROVAL FOR ANY PERMIT**
7 **ISSUED BY A COUNTY OR A MUNICIPALITY SHALL:**

8 **(1) BE TOLLED BEGINNING ON JANUARY 1, 2008, AND ENDING ON**
9 **DECEMBER 31, 2012; AND**

10 **(2) BEGIN AGAIN ON JANUARY 1, 2013.**

11 **(E) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A PERSON**
12 **THAT WAS ISSUED A PERMIT BY A COUNTY OR A MUNICIPALITY THAT WILL**
13 **EXPIRE DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON**
14 **DECEMBER 31, 2012, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL OR**
15 **PERMIT EXTENSION FEES.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall
17 affect the authority of the State or any county or municipality to revoke or modify a
18 permit. The State or any county or municipality may cancel a permit affected by the
19 provisions of this Act if the State or the county or municipality determines that the
20 permit presents a threat to the public health, safety, or welfare of its citizens.

21 SECTION 3. AND BE IT FURTHER ENACTED, That, except as otherwise
22 provided in this Act, this Act shall be construed to apply retroactively and shall be
23 applied to and interpreted to affect any permit for construction or development issued
24 by the State or any county or municipality on or after January 1, 2008, and on or
25 before December 31, 2012.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a yea and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted. It shall remain effective through December 31, 2012, and, at the
31 end of December 31, 2012, with no further action required by the General Assembly,
32 this Act shall be abrogated and of no further force and effect.